



## Legislative Bulletin.....December 12, 2007

### Contents:

Conference Report to H.R. 1585—National Defense Authorization Act for Fiscal Year 2008

### Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: Several

Total Cost of Discretionary Authorizations: \$696.3 billion in FY2008

Effect on Revenue: 0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: Various

Total New Private Sector Mandates: Various

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

## Conference Report to H.R. 1585—National Defense Authorization Act for Fiscal Year 2008 (*Skelton, D-MO*)

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 12, 2007. The rule for consideration of the conference report to accompany H.R. 1585 ([H.Res. 860](#)) waives all points of order against the conference report and against its consideration.

**Overall Authorizations:** The Conference Report to H.R. 1585 would authorize \$506.9 billion to operate the Department of Defense (DoD) and the national security functions of the Department of Energy (DoE). The Conference Report also authorizes \$189.4 billion for war operations in Iraq and Afghanistan, subject to future appropriations. The authorization for war funding does not include benchmarks or timetables for troop withdrawals. The total amount authorized in the legislation is \$696.3 billion in FY2008.

### **Items of Note in the Conference Report:**

***Allowance of Collective Bargaining:*** The President's performance based system for administering the DoD's civilian contracts, the National Security Personnel System (NSPS), is significantly altered by the Committee Report to H.R. 1585. Current restrictions on adverse actions, appeals, and certain labor relations are completely stripped from the NSPS. Although pay-for-performance standards may still be implemented, collective bargaining and contract appeals could introduce organized labor to DoD civilian contracts. The Administration threatened to veto the House-passed version of H.R. 1585 because of a similar clause. However, at press time, a Statement of Administrative Policy (SAP) has not yet been issued.

***Increased Role for National Guard:*** Increases the role of the National Guard Chief in the Pentagon. The Chief of the National Guard would be a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and other matters as determined by the Secretary.

***Concurrent Receipt:*** Grants concurrent receipt to veterans receiving both retirement benefits and disability compensation for a disability rated as 100%. Under this provision veterans with disabilities rated at 100% would receive the full amount of both retirement and disability benefits.

***Increased Military Pay:*** Increases the rates of monthly basic pay for members of the uniformed services by **3.5 percent**. In addition, the Conference Report extends bonuses, increases hardship pay, and expands incentive pay for service members.

***Increased Limits on Military Personnel Strength:*** Requires the Department of Defense to increase the number of people serving in the Army from 512,400 to 525,400 and the number of people serving in the Marines from 180,000 to 189,000 over the next five years.

***Wounded Warriors Resources:*** Completely revamps care for wounded veterans by increasing oversight of veterans care facilities. The Conference Report establishes a Wounded Warriors Resource Center to serve as a single point of contact for patients, families, and caregivers. In addition, the legislation mandates new DoD standards in care giving, facility maintenance, and training.

***Climate Change:*** Requires the DoD, as part of the first national security strategy and national defense strategy prepared after enactment of this Act, to consider the effect and projected risks of climate change on department facilities, capabilities, and missions.

***Prohibition on Permanent U.S. Military Installation in Iraq:*** Continues to prohibit the U.S. from establishing a permanent military installation in Iraq, and prohibits the U.S. control over Iraq oil reserves.

***Afghanistan National Security Forces:*** Requires DoD to submit a report to Congress (within 90 days) detailing a long-term plan for sustaining the Afghanistan National Army and the Afghanistan National Police of the Afghanistan National Security Forces.

***Hate Crimes Language Removed:*** The Conference Report does not contain any of the hate-crimes related language that was included in the Senate-passed version of the bill.

**Summary:** This authorization measure sets the spending levels for all DoD programs and sets military strength levels. What follows are highlights of authorization levels of the three divisions (Dept. of Defense, Military Construction, and Dept. of Energy & Others) in the bill.

Division A = Department of Defense Authorizations

Division B = Military Construction Authorizations

Division C = Department of Energy National Security Authorizations and Other Authorizations

To view the authorization levels in the House-passed version of H.R.1585, please refer to the [original RSC Legislative Bulletin](#).

**Division A—Title I—Procurement**

- **Army.** Aircraft--\$4.17 billion; Missiles--\$1.91 billion; Weapons and Tracked Combat Vehicles--\$3 billion; Ammunition--\$2.21 billion; Other Procurement--\$12.45 billion; Joint Improvised Explosive Device Defeat Fund--\$228 million.
- **Navy.** Aircraft--\$12.43 billion; Weapons (including missiles and torpedoes)--\$3.06 billion; Shipbuilding and Conversion--\$13.59 billion; Other Procurement--\$5.2 billion; Ammunition (Navy and Marine Corps)--\$1.05 billion.
- **Marine Corps.** \$2.29 billion
- **Air Force.** Aircraft--\$12.11 billion; Ammunition--\$854 million; Missiles--\$4.98 billion; Other Procurement--\$15.4 billion.

**Division A—Title II—Research, Development, Test, and Evaluation**

- **Army.** \$10.84 billion
- **Navy.** \$16.98 billion
- **Air Force.** \$25.69 billion
- **Defense-Wide Activities.** \$20.21 billion (\$180.2 million reserved for Operational Test & Evaluation, Defense-Wide).
- **Defense Science and Technology.** Reserves \$10.91 billion of the above funds for the Defense Science and Technology Program.

**Division A—Title III—Operation and Maintenance**

- **Army.** \$28.78 billion
- **Navy.** \$33.35 billion
- **Marine Corps.** \$4.96 billion
- **Air Force.** \$33.11 billion

- **Defense-Wide Activities.** \$22.5 billion
- **Army Reserve.** \$2.5 billion
- **Naval Reserve.** \$1.18 billion
- **Marine Corps Reserve.** \$208.6 million
- **Air Force Reserve.** \$2.82 billion
- **Army National Guard.** \$5.85 billion
- **Air National Guard.** \$5.45 billion
- **U.S. Court of Appeals for the Armed Forces.** \$11.9 million
- **Army Environmental Restoration.** \$434.8 million
- **Navy Environmental Restoration.** \$300.5 million
- **Air Force Environmental Restoration.** \$458.4 million
- **Defense-wide Environmental Restoration.** \$12.7 million
- **Formerly Used Defense Sites Environmental Restoration.** \$270.2 million
- **Overseas Humanitarian, Disaster, and Civic Aid Programs.** \$103.3 million
- **Cooperative Threat Reduction programs.** \$428.0 million
- **Overseas Contingency Operations Transfer Fund.** \$5 million

**Division A—Title IV—Military Personnel Authorizations**

Authorized personnel levels as of September 30, 2008:

- **Army.** 525,400
- **Navy.** 329,098
- **Marine Corps.** 189,000
- **Air Force.** 329,651
- **Army National Guard, Selected Reserve.** 351,300
- **Army Reserve, Selected Reserve.** 205,000
- **Naval Reserve, Selected Reserve.** 67,800
- **Marine Corps Reserve, Selected Reserve.** 39,600
- **Air National Guard, Selected Reserve.** 106,700
- **Air Force Reserve, Selected Reserve.** 67,500
- **Coast Guard Reserve, Selected Reserve.** 10,000
- **Army National Guard, Full-Time Duty.** 29,240
- **Army Reserve, Full-Time Duty.** 15,870
- **Naval Reserve, Full-Time Duty.** 11,579
- **Marine Corps Reserve, Full-Time Duty.** 2,261
- **Air National Guard, Full-Time Duty.** 13,936
- **Air Force Reserve, Full-Time Duty.** 2,721
- **Army National Guard, Dual-Status Military Technicians.** At least 26,502
- **Army Reserve, Dual-Status Military Technicians.** At least 8,249
- **Air National Guard, Dual-Status Military Technicians.** At least 22,553
- **Air Force Reserve, Dual-Status Military Technicians.** At least 9,909
- **Army Reserve, Non-Dual-Status Military Technicians.** No more than 595
- **Army National Guard, Non-Dual-Status Military Technicians.** No more than 1,600
- **Air Force Reserve, Non-Dual-Status Military Technicians.** No more than 90
- **Air National Guard, Non-Dual-Status Military Technicians.** No more than 350

- **Maximum numbers of reservists who may be serving at any time on full-time operational support duty:**
  - Army National Guard: 17,000
  - Army Reserve: 13,000
  - Naval Reserve: 6,200
  - Marine Corps Reserve: 3,000
  - Air National Guard: 16,000
  - Air Force Reserve: 14,000
- **Authorization of Appropriations for Military Personnel.** \$117.09 billion

#### **Division A—Title V—Military Personnel Policy**

- **Reintegration Working Group.** Directs DoD to establish a working group to identify and assess the reintegration needs of members of the reserve components who return from overseas operational deployment.
- **Advance Notice of Deployment for Reservists.** Requires DoD to ensure that a member of a reserve component who is called to active duty for more than 30 days of a contingency operation receives at least 30 days of advance notice of the mobilization date.

#### **Division A—Title VI—Compensation and Other Personnel Benefits**

- **Basic Pay for All Uniformed Services.** Increases basic pay by **3.5%** for all members of the uniformed services, effective January 1, 2008, and provides incentives to retain junior officers and highly skilled enlisted members.
- **Incentive Pay for Reserve Members in Combat Zone.** Authorizes DoD to pay incentive pay to a member of a reserve component who serves more than 22 months in the combat zone, so long as their active duty began prior to January 19, 2007.
- **Increase in Hardship Duty Pay.** Allows the DoD to increase the maximum amount of hardship duty pay to \$1,500.
- **Bonuses.** Extends through December 31, 2008, dozens of bonus and special-pay authorities (for example: bonuses for reserve reenlistment, nurse anesthetists, dentists, nuclear specialists, aviation officer retention, referrals of new recruits, and prior service enlistment).

#### **Division A—Title VII—Health Care Provisions**

- **TRICARE.** Extends the prohibition on TRICARE premium, deductible, and copay increases from April 1, 2007 to September 30, 2008. Makes additional clarifications and updates to the TRICARE system.
- **Temporary Prohibition on Co-payments Increase.** Prohibits the costs of pharmaceuticals sold to service members through retail pharmacies to exceed certain pre-set limits until September 30, 2008.

- **Authority for Expansion of Eligibility.** Allows the Secretary of Defense to expand eligibility for continued health care benefits for non-combat services members under certain circumstances.
- **Cognitive Assessment for Service Members Deployed.** Directs the DoD to establish a computer-based program to assess the cognitive functioning, in a pre- and post-deployment environment, for all armed forces members who are deployed in support of the Global War on Terror.

**Division A—Title VIII—Acquisition Policy, Acquisition Management, and Related Matters**

- **Internal Controls for Procurement.** Requires the DoD to review the procurement policies, procedures, and internal controls of certain non-defense agencies and appraise the administration of such policies to determine whether the non-defense agency is or is not compliant with defense procurement requirements.
- **Debarment of Contractors.** Directs the DoD to debar any contractor or prospective contractor (from contracting with the DoD) for up to five years, if a contractor has been convicted of a criminal violation of any provision of the Arms Export Control Act.
- **Contracting Accountability.** Makes various limitations and restrictions on non-competitive procurement contracts, and adds provisions to increase fixed-price contracts. Also requires each federal agency or department to submit quarterly reports to Congress detailing all completed audits for contracts in excess of \$10 million.

**Division A—Title IX—Department of Defense Organization and Management**

- **Department of Defense Board of Actuaries.** Establishes a board of actuaries, made of three professional actuaries each serving 15 year terms, within the DoD. The purpose of the board will be to review valuations of the Department of Defense Military Retirement Fund and submit reports to ensure that the fund remains actuarially sound.
- **Space Protection Strategy.** Directs the DoD to develop a strategy (known as the Space Protection Strategy) for the development and fielding by the U.S. the necessary space capabilities to ensure freedom of action for the U.S.
- **Climate Change.** Requires DoD, as part of the first national security strategy and national defense strategy prepared after enactment of this Act, to consider the effect and projected risks of climate change on department facilities, capabilities, and missions.

**Division A—Title X—General Provisions**

- **FY2008 Transfer Authority.** Authorizes the Secretary of Defense, if acting in the national interest, to transfer up to \$4.5 billion in authorizations to any other authorization for FY2008, as long as the transfer is from a lower-priority authorization to a higher-priority authorization, the transfer is not used to provide authority to an item that has been denied authorization by Congress, and the Secretary “promptly” notifies Congress of the transfer. Treats any such transfer as an equivalent increase in the amount authorized for the account to which the amount is transferred.
- **NATO Contribution.** Authorizes \$1 million for the Civil Budget, and \$362.2 million for the Military Budget at NATO.

- **Strategic Posture Commission.** Establishes a “Congressional Commission on the Strategic Posture of the United States” to examine and make recommendations regarding the long-term strategic posture of the U.S. The Commission is to be composed of 12 members, including the House and Senate Armed Services Chairman and Ranking Members.
- **Prohibition on Sale of Parts for F-14 Fighter Aircraft.** States Congressional findings that DoD is responsible for “demilitarizing and auctioning off sensitive surplus U.S. military equipment” including parts to the F-14 “Tomcat” fighter which is exclusively used by Iran (outside the U.S.), and prohibits DoD from selling any F-14 fighter aircraft parts (except to a U.S. museum).
- **Sense of Congress regarding Guantanamo Bay.** Includes a Sense of Congress which, among other things, calls upon the International Community and the home countries of detainees to work with DoD to “facilitate and expedite the repatriation of detainees,” and detainees should be charged and expeditiously prosecuted for crimes committed against the U.S.

#### **Division A—Title XI—Civilian Personnel Matters**

- **Death Gratuity.** Authorizes the U.S. to pay \$100,000 to the survivor immediately upon receiving official notification of the death of an employee who dies in connection with their service with an Armed Forces contingency operation, or who dies from injuries incurred from a terrorist incident during that employee’s service with the Armed Forces.

#### **Division A—Title XII—Matters Relating to Foreign Nations**

- **Military Operations to Combat Terrorism.** Requires the Secretary of Defense to submit an annual report detailing support provided to foreign countries conducting military operations to combat terrorism.
- **Prohibition on Permanent U.S. Military Installation in Iraq.** Prohibit the U.S. from establishing a permanent military installation in Iraq, and prohibits the U.S. control over Iraq oil reserves.
- **Afghanistan National Security Forces.** Requires DoD to submit a report to Congress (within 90 days) detailing a long-term plan for sustaining the Afghanistan National Army and the Afghanistan National Police of the Afghanistan National Security Forces.

#### **Division A—Title XIII—Cooperative Threat Reduction with States of the Former Soviet Union**

*From funds allocated for operation and maintenance above:*

- **Strategic Offensive Arms Elimination in Russia.** \$92.8 million
- **Nuclear Weapons Storage Security in Russia.** \$47 million
- **Nuclear Weapons Transportation Security in Russia.** \$37.7 million
- **Weapons of Mass Destruction Proliferation Prevention in the Former Soviet Union.** \$47.9 million
- **Biological Weapons Proliferation Prevention in the Former Soviet Union.** \$158.4 million

- **Defense and Military Contacts.** \$8.0 million
- **Chemical Weapons Destruction.** \$6 million
- **New Cooperative Threat Reduction Initiatives.** \$10 million
- **Other Assessment/Administrative Support.** \$19.3 million

**Division A—Title XIV—Other Authorizations**

- **Defense Working Capital Funds.** \$102.4 million
- **Defense Working Capital Fund Defense Commissary.** \$1.25 billion
- **National Defense Sealift Fund.** \$1.34 billion
- **Defense Health Program.** \$23.08 billion
- **Chemical Agents and Munitions Destruction.** \$1.51 billion
- **Defense Wide Drug Interdiction.** \$938 million
- **Defense Inspector General.** \$225.9 million
- **Armed Forces Retirement Home.** \$61.6 million
  
- **National Defense Stockpile.** Authorizes \$44.8 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for FY2008. Permits the use of additional funds for “extraordinary or emergency conditions” 45 days after a notification to Congress.

**Division A—Title XV—Authorization of Additional Appropriations for Operation Iraqi Freedom and Operation Enduring Freedom**

**PROCUREMENT:**

- **Army.** Aircraft--\$2.08 billion; Weapons and Tracked Combat Vehicles--\$7.28 billion; Ammunition--\$513.6 million; Other Procurement--\$4.64 billion; Missiles--\$641.7 million; Other Procurement--\$32.47 billion.
- **Navy.** Aircraft--\$3.9 billion; Weapons--\$318.2 million; Other Procurement--\$1.87 billion
- **Marine Corps.** Procurement--\$5.51 billion.
- **Navy and Marine Corps.** Ammunition--\$609.89 million
- **Air Force.** Aircraft--\$5.82 billion; Ammunition--\$104 million; Missiles--\$1.8 million; Other--\$4.52 billion
- **Joint Improvised Explosive Device Defeat Fund.** Procurement--\$4.54 billion
- **Defense-Wide Activities.** Procurement--\$768.1 million

**RESEARCH, DEVELOPMENT, TEST, and EVALUATION:**

- **Army.** \$183.2 million
- **Navy.** \$695.9 million
- **Air Force.** \$1.45 billion
- **Defense-wide.** \$1.32 billion

**OPERATION & MAINTENANCE:**

- **Army.** \$54.92 billion
- **Navy.** \$6.24 billion

- **Marine Corps.** \$4.67 billion
- **Air Force.** \$10.79 billion
- **Defense-Wide Activities.** \$6.42 billion
- **Army Reserve.** \$196.6 million
- **Navy Reserve.** \$83.4 million
- **Marine Corps Reserve.** \$68 million
- **Army National Guard.** \$757 million
- **Air Force Reserve.** \$24.2 million
- **Air National Guard.** \$103 million

OTHER AUTHORIZATIONS:

- **Defense Health Program.** \$1.13 billion
- **Drug Interdiction & Counter Drug Activities.** \$257 million
- **Defense Inspector General.** \$4.39 million
- **Iraq Freedom Fund.** \$207.5 million
- **Iraq Security Forces Fund.** \$3.0 billion
- **Afghanistan Security Forces Fund.** \$2.7 billion
- **Military Personnel.** \$17.91 billion
- **Strategic Readiness Fund.** \$1 billion

**Division A—Title XVI— Wounded Warrior Assistance**

- **Wounded Warrior Resource Center.** Establishes the Wounded Warriors Resource Center to serve as a single point of contact for veteran patients, their families, and caregivers.
- **Comprehensive Policy on Improvements to Care.** Directs DoD to establish new policies and regulations to provide training to, and oversight of, those caring for veterans.
- **Medical Care Evaluations:** Directs DoD to establish new department within the DoD specifically for the processing of medical evaluations for the purpose of determining that every veteran is properly diagnosed.
- **Brain Injury Policy.** Requires the DoD to create a comprehensive strategy to address traumatic brain injury and post traumatic stress disorder.

**Division A—Title XVII—Veterans Matters**

- **Reintegration for Veterans with Traumatic Brain Injuries.** Requires the Secretary of Defense to develop individualized plans for rehabilitation and reintegration of any veteran or member of the Armed Forces who receives treatment for a traumatic brain injury.
- **Age-Appropriate Nursing Homes.** Requires the Secretary to ensure that all young veterans who are injured or disabled through their military service and require long-term care should have access to age-appropriate nursing home care.

**Division A—Title XVIII—National Guard Bureau Matters**

- **Chief of the National Guard.** Expands the grade, duty, and requirements of the Chief of the National Guard Bureau. This section establishes the Chief of the National Guard as a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense.
- **Enhanced Functions.** Increases the operational functions on the National Guard Bureau within the DoD to include greater autonomy and responsibilities when dealing with other federal agencies, states, and the U.S. Joint Force Command.

**Division B—Title XXI—Army**

- **Authorization of Appropriations for Military Construction.** \$5.1 billion

**Division B—Title XXII—Navy**

- **Authorization of Appropriations for Military Construction.** \$2.88 billion
- **Repeal of Authorization for Construction.** Repeals authorization for construction of Navy outlying landing field in Washington County, North Carolina.

**Division B—Title XXIII—Air Force**

- **Authorization of Appropriations for Military Construction.** \$2.17 billion

**Division B—Title XXIV—Defense Agencies**

- **Energy Conservation Projects.** \$70 million
- **Authorization of Appropriations for Military Construction.** \$1.76 billion

**Division B—Title XXV – North Atlantic Treaty Organization Security Investment Program**

- **Authorization for the NATO Security Investment Program.** \$201.4 million

**Division B—Title XXVI—Guard and Reserve Forces Facilities**

- **Army National Guard.** \$536.6 million
- **Army Reserve.** \$148.1 million
- **Naval and Marine Corps Reserve.** \$64.9 million
- **Air National Guard.** \$287.5 million
- **Air Force Reserve.** \$28.3 million

**Division B—Title XXVIII—Base Closure and Realignment Activities**

*Authorizes funds for base closures through the Department of Defense Base Closure Account 1990*

- **Army Base Closure.** \$98.7 million
- **Navy Base Closure.** \$50 million

- **Air Force Base Closure.** \$143 million
- **Defense Agencies Base Closure.** \$3.7 million

*Authorizes funds for base closure through the Department of Defense Base Closure Account 2005*

- **Army Base Closure.** \$4.01 billion
- **Navy Base Closure.** \$733.6 million
- **Air Force Base Closure.** \$1.18 billion
- **Defense Agencies Base Closure.** \$2.1 billion

**Division B—Title XXVIII—Military Construction General Provisions**

- **BRAC Funds.** Authorizes the DoD Secretary to transfer remaining funds in the Base Closure Account 2005 to DoD Housing Funds.
- **Land Conveyances.** Authorizes several land conveyances to localities.
- **Military Working Dog Monument.** Authorizes DoD to permit the National War Dogs Monument, Inc. to establish and maintain (at Fort Belvoir, Virginia, or another military installation in the U.S.) a national monument to honor the sacrifice and service of U.S. Armed Forces working dog teams that have participated in U.S. military operations.
- **Rep. Hefley Housing Facility.** Names a housing facility at Fort Carson, Colorado, in honor of former Congressman Joel Hefley.
- **Lane Evans Reserve Center.** Names a Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of former Congressman Lane Evans.
- **Several other military facilities named after former Members of Congress and a Retired General.**

**Title XXIX—War-Related Emergency Military Construction Authorizations**

- **Army.** \$1.25 billion
- **Navy.** \$198.7 million
- **Air Force.** \$258.7 million
- **Defense Agencies.** \$27.6 million

**Division C—Title XXXI—Department of Energy National Security Programs**

**Authorization of Appropriations for the National Nuclear Security Administration.**

- **Weapons Activities.** \$6.46 billion
- **Defense Nuclear Nonproliferation.** \$1.9 billion
- **Naval Reactors.** \$808.2 million
- **Office of Administrator for Nuclear Security.** \$399.65 million

**Authorization of Appropriations for Environmental and Other Activities.**

- **Defense Environmental Cleanup.** \$5.36 billion
- **Other Defense Activities for National Security.** \$763.97 million
- **Defense Nuclear Waste Disposal.** \$292.04 million

- **Energy Security and Assurance Programs.** \$5.8 million

**Division C—Title XXXII—War-Related Nuclear Security Administration**

- **Authorized Appropriations.** \$50 million

**Division C—Title XXXIII—Defense Nuclear Facilities Safety Board**

- **Authorized Appropriations.** \$22.4 million

**Division C—Title XXXIV—Naval Petroleum Reserves**

- **Authorized Appropriations.** \$17.3 million

**Division C—Title XXXV—Maritime Administration**

Authorization of Appropriations for the Maritime Administration under the Department of Transportation.

- **Operations and Training Activities.** \$124.3 million
- **U.S. Flag Merchant Fleet.** \$156 million
- **Maritime Security Reimbursements.** \$19.5 million
- **Assistance to Small Shipyards.** \$25 million
- **Disposal of Obsolete Vessels.** \$20 million

**Committee Action:** H.R. 1585 passed the House on May 5, 2007, by a vote of [397 – 27](#), and was received in the Senate on June 6, 2007. The bill passed in the Senate by a vote of [92 – 3](#) on October 1, 2007. On December 6, 2007, House and Senate conferees filed [Conference Report 110-477](#).

**Administration Position:** A Statement of Administration Policy (SAP) was not available at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill creates several new programs.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** CBO stated that provisions of the House-passed version of H.R. 1585 “contain both intergovernmental and private-sector mandates as defined in UMRA, but CBO estimates that the annual cost of those mandates would not exceed the thresholds established in UMRA (\$66 million for intergovernmental mandates in 2007 and \$131 million for private-sector mandates in 2007, adjusted annually for inflation).”

**Constitutional Authority:** The Armed Services Committee, in House Report [110-146](#) finds constitutional authority in Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific*

powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

Article I, Section 8, Clause 1 grants Congress the power to “provide for the common Defence and general welfare of the United States.” Article I, Section 8, Clauses 12 through 16 grant Congress the power “To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval forces; To provide for calling forth the Militia to execute the Laws of the Unions, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia and for governing such Part of them as may be employed in the Service of the United States...” In addition, Article I, Section 8, Clause 17 provides that Congress shall have the power “To exercise exclusive Legislation in all Cases whatsoever...over all Places purchased by the Consent of the Legislature of the state in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits (House Rule XXI, Clause 9):** Yes. The House Armed Services Committee, in House Report [110-146](#) (pages 559-571), listed 680 separate Member earmarks totaling at least \$37.4 billion (with individual earmarks ranging from \$250,000 to 2.42 billion) in the House-passed version of H.R. 1585.

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